

## **REMARKS**

Claims 1-40 are pending. The Applicant respectfully requests consideration of the following remarks in response to the Office Action dated December 27, 2006 (hereinafter the "Office Action").

### **Examiner Interview**

The undersigned attorney had a telephone conference with the above-referenced Examiner on March 27, 2007. During the telephone conference, the filing of a 131 declaration and a response to the 112 rejections was discussed. The Examiner agreed that should any issues remain, a follow up telephone conference would be acceptable.

### **§ 112 Rejections**

Claims 1, 2, 11, 13, 24 and 33 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Applicant respectfully traverses the rejection.

**Claims 1 and 11** stand rejected as "it is not clear how a buffer can be sent to another process, as normally data is transferred form a buffer, but not the buffer itself". *See Office Action, Page 2.* The Applicant gives a variety of examples of how a buffer can be sent in the subject Application. For example, paragraph [0043] describes two such examples, which is excerpted as follows for the sake of convenience:

When the buffer delay time 420 is reached or exceed, the buffer 118(l) may be passed between the first and second processes 206, 208 in a variety of ways. In the current implementation, the buffers are sent via RPC over LPC. In an example, **the IPC manager 116 passes control of the buffer 118(l) from the first process 206 to the second process 208 by executing a “send” operation.** Therefore, the data 506 in the buffer 118(l) is not communicated from the first process 206 to the second process 208, but rather the second process 208 gains control over the buffer 118(l) to obtain the data 506 from the buffer 118(l) itself. It should be noted that in some implementations of operating systems, actual movement of buffers is under operating system control. The RPC, **which is the part of the operating system, may chose to either physically copy the buffer contents from server to receiver process, or keep the buffer in the shared memory so that the receiving process will gain access to buffer contents.** In both cases, the interaction of the sender and the receiver is abstracted by send and receive operations. In another example, data 506 from the buffer 118(l) is communicated from the buffer 118(l) to the second process 208 when the buffer delay time 420 is reached or exceeded. The data 506, for instance, may be communicated from the buffer 118(l) to an address space in the memory, either virtual or actual, that is managed by the second process 208 such that the second process 208 may recognize the data 506 therein. *See subject Application, Paragraph [0043] (emphasis added).*

Further support of these features may be found throughout the specification and drawings as filed, additional examples of which may be found in Claims 9 and 10. Thus, it is respectfully submitted that Claims 1 and 11 are definite, and withdrawal of the rejection is respectfully requested.

With respect to claims 2, 13, 24 and 33, the Office asserts that “it is unclear how the buffer fullness process operates with respect to the delay timing operation. It is unclear how the processes are compatible with one another, as one must have a higher priority in order for the two processes to be compatible, but no

priority of operation or ordering of determination is defined by the claim”. *See Office Action, Page 2.* The Applicant respectfully submits that no such priority is needed and is unclear as to why such a priority is envisioned by the Office. The recited features of “when the buffer is approximately full, sending the buffer to the second process” is readily apparent to a person of ordinary skill in the art and does not require extraneous features proposed by the Office. Withdrawal or further explanation of the rejection is respectfully requested.

With respect to claims 2, 13, 24 and 33, the Office asserts that “the term ‘approximately full’ in claims 2, 13, 24, and 33, is a relative term that renders the claim indefinite”. *See Office Action, Page 2.* With respect to claims 4, 14, 25 and 35, the office asserts that “the term ‘approximately double’ in claims 4, 14, 25, and 35, is a relative term that renders the claim indefinite”. *See Office Action, Page 3.* The Applicant respectfully disagrees.

As recited in the MPEP, the “fact that claim language, including terms of degree, may be imprecise, does not automatically render the claim indefinite under 35 USC 112, second paragraph”. *See MPEP 2173.05(b).* For example, terms such as “about”, “essentially” and “substantially” have all been held to be definite. Thus, it is respectfully submitted that the term “approximately” is readily understood by a person of ordinary skill in that art and therefore is also definite. Withdrawal of the rejection is respectfully requested.

**§§ 102(e) and 103 Rejections**

Claims 1, 6-9, 10-12, 17-20, 21, 23, 26, 30, 32, 38 and 40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0216155 to Kobayashi (hereinafter “Kobayashi”).

Claims 2, 13 24 and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi in further view of U.S. Patent Publication No. 2005/0060272 to Mantey et al. (hereinafter “Mantey”).

Claims 3, 4, 14, 22, 25, 31 and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi in further view of U.S. Patent No. 5,623,483 to Agawal et al (hereinafter “Agawal”).

Claims 5, 16, 27 and 36 stand rejected under 35 U.S.C. § 103(a) to Kobayashi in further view of U.S. Patent No. 5,758,057 to Baba et al (hereinafter “Baba”).

Claims 15, 28 and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi further in view of U.S. Patent Publication No. 2003/0219014 to Kotabe et al (hereinafter “Kotabe”).

Claims 29, 34 and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi further in view of U.S. Patent No. 7,096,472 to Machida et al (hereinafter “Machida”). The Applicant respectfully traverses the rejections.

In each of the rejections, the Office relies on Kobayashi. Submitted herewith is a 1.131 Declaration signed by the Inventor which removes Kobayashi

as a reference. Therefore, the Applicant respectfully requests that each of the rejections be withdrawn.

**Conclusion**

The Application is in a condition for allowance. The Applicant respectfully requests reconsideration and issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is requested to contact the undersigned attorney to discuss the unresolved issue.

Respectfully submitted,

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